

LABOUR DEPARTMENT

The 22nd May, 1978

No. 11(112)-3Lab-78/4782.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect the dispute between the workman and the management of M/s. Vikas Agro Engg. (P) Ltd. Bahadurgarh :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 97 of 1977

Between

SHRI JAI KISHAN, WORKMAN AND THE MANAGEMENT OF M/S VIKAS
AGRO ENGG. (P) Ltd. Bahadurgarh.

AWARD

By order No. 1D/RK/262-77/28996, dated 5th August, 1977, the Governor of Haryana referred the following dispute between the management of M/s Vikas Agro Engg. (P) Ltd. Bahadurgarh and its workman Shri Jai Kishan to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Jai Kishan was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court on 9th December, 1977, in response to the usual notices of reference sent to them. The management however absent themselves on 17th January, 1978, the next date of hearing despite being directed to be present on that date and file their written statement of the claim statement filed by the workman on 9th December, 1977, with the result that *ex parte* proceedings were taken up against them on the former date and the workman was directed to adduce his *ex parte* evidence.

The workman appearing as his own witness deposed that he joined the services of the management concerned as a turner on wages of Rs 215 p. m. in the year 1970 and that the latter terminated his services on 2nd April, 1977 without assigning any reasons and without holding any enquiry against him and that he was drawing wages at Rs 456 p. m. on the date of termination of his services.

I, see no reasons to disbelieve the statement of the workman concerned particularly when the proceedings against the management are *ex parte* and they have taken no care to defend the demand raised on them by the former leading to the reference.

I, thus relying on the statement of the workman and in view of the proceedings against the management being *ex parte* and their failure to defend the demand, hold that the termination of services of the former with effect from 2nd April, 1977 is unjustified and not in order and that he is entitled to reinstatement with continuity of service and full back wages. I, accordingly answer the reference while returning the *ex parte* award in these terms.

MOHAN LAL JAIN,

Dated the 20th April, 1978.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1146, dated the 3rd May, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.